

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., May 14, 1996.

Members present: Mayor G. Michael Shelton; Vice Mayor Larry D. Brookshier; Councilwoman Mary L. Flood; Councilwoman Joanne A. Grahame; Councilwoman Linda Kochendarfer; Councilman Ronnie C. Rice; and Councilman W. D. Tharp.

Members absent: None.

Staff present: City Manager Jack A. Gross; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton welcomed the seventh grade students from Bedford Middle School participating in Local Government Day. Members of the staff and Council introduced the students.

Mayor Shelton declared that the minutes of a regular Council meeting held on April 23, 1996, and the minutes of an adjourned Council meeting held on May 1, 1996, were approved as distributed.

The City Manager stated that the Bedford City Police Department is inviting City Council and the newly elected Council members to attend "Dare Day" on May 16 at Liberty Lake Park.

Councilman Rice asked the City Manager to contact the Bedford County Administrator regarding the County Recreation Department utilizing a City bucket truck to install lights at the tennis courts.

Councilwoman Kochendarfer stated that Dr. Cowlbeck, Principal of Bedford Middle School, sent her regrets that she could not attend Council meeting, but she will attend the student's meeting on May 15.

Mayor Shelton and Councilwoman Flood expressed thanks to Councilwoman Kochendarfer for her work in organizing "Local Government Day."

Mayor Shelton welcomed the newly elected members of Council, Robert T. Wandrei and Dave Ballard, who will take office on July 1, 1996.

Mayor Shelton thanked Councilwoman Grahame and Councilman Rice for the service they have given the City during their terms on City Council.

The Mayor presented a plaque from the March of Dimes to the Chief of Police. The Mayor also expressed thanks to Charlie Nelms for his work during the Walk-A-Thon.

Mayor Shelton stated that the grand reopening of the VFW Hall at the Armory will be held at 1:00 p.m. on May 18. The naming of the circular drive at the Armory, as Omaha Beach Circle, will also be done on May 18.

The Mayor reminded Council of an industry appreciation reception to be held on May 21 from 5:00 - 7:00 p.m. at the Olde Liberty Station Restaurant.

The Consent Agenda consisted of the following item: request from Bedford Main Street, Inc., to block East

Main Street from Bridge Street to Court Street on May 27 from 11:30 a.m. to 4:00 p.m. for a commemorative ceremony honoring all Bedford veterans on Memorial Day.

On motion by Councilwoman Kochendarfer, seconded by Councilwoman Grahame, voted upon and carried unanimously, Council adopted the consent agenda.

The Clerk of Council read aloud the following proposed resolution:

RESOLUTION

WHEREAS, the observation of the functions of local government is of primary importance in the study of local government; and

WHEREAS, the seventh grade students of Bedford Middle School have, on May 14, 1996, participated in the local government process by observing these officials in the carrying out of their duties; and

WHEREAS, these students will, on May 15, 1996, conduct Local Government Day activities in the Council Hall of the City of Bedford;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bedford, Virginia, that May 15, 1996, be, and it hereby is, designated as

LOCAL GOVERNMENT DAY

in the City of Bedford.

On motion by Councilwoman Grahame, seconded by Councilwoman Kochendarfer, voted upon and carried unanimously by the following roll call vote, Council adopted the resolution:

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Grahame aye

Councilwoman Kochendarfer aye

Councilman Rice aye

Councilman Tharp aye

Mayor Shelton aye

The student City Manager stated that the City has received funds in the amount of \$9,719.00 from the Drug Asset Forfeiture Program during Fiscal Year 1995-96. These funds need to be appropriated from revenue account 100244.0410 to expenditure account 103122.3552.

On motion by Councilman Rice, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council appropriated \$9,719.00 from the previously stated revenue account to the previously stated expenditure account for the Drug Asset Forfeiture Program. Roll call vote follows:

Councilwoman Flood aye

Councilwoman Grahame aye

Councilwoman Kochendarfer aye

Councilman Rice aye

Councilman Tharp aye

Vice Mayor Brookshier aye

Mayor Shelton aye

Mayor Shelton declared a recess from 7:50 p.m. until 8:10 for a reception for the students.

Mayor Shelton asked that the following be added to the executive session: Pursuant to Section 2.1-344(a)1, Personnel, of the Code of Virginia of 1950, as amended, for purposes of discussion of personnel matters regarding performance evaluations of the City Manager and the City Attorney. There was no objection to adding this item from members of Council.

On motion by Councilman Rice, seconded by Councilwoman Kochendarfer, voted upon and carried unanimously by a roll call vote, Council adjourned into executive session for the following:

Pursuant to the Code of Virginia of 1950, as amended, Section 2.1-344(a)3 for Discussion or Consideration of the Acquisition of Real Property for Public Purposes; Section 2-1-344(a)7, for Consultation with Legal Counsel and Staff Members Concerning Legal Matters Involving the Wastewater Treatment Plant; and Section 2.1-344(a)1, Matters of Personnel Regarding Performance Evaluations of the City Manager and the City Attorney.

Roll call vote follows:

Councilwoman Grahame aye

Councilwoman Kochendarfer aye

Councilman Rice aye

Councilman Tharp aye

Vice Mayor Brookshier aye

Councilwoman Flood aye

Mayor Shelton aye

Council adjourned into executive session at 8:12 p.m. Non-council members attending were: City Manager Gross, City Attorney Berry, Director of Planning & Community Development Scudder, Clerk of the Council

Hatcher, and Don Baker of Workman Oil Company.

Council reconvened into open session at 8:44 p.m.

The Clerk of Council read aloud the following proposed resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Council.

Councilwoman Kochendarfer moved that the resolution be adopted. The motion was seconded by Councilman Tharp, voted upon and carried unanimously by the following roll call vote:

Councilwoman Kochendarfer aye

Councilman Rice aye

Councilman Tharp aye

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Grahame aye

Mayor Shelton aye

On motion by Councilwoman Kochendarfer, seconded by Councilwoman Flood, voted upon and carried unanimously, the following item was added to the agenda: Resolution - Consideration of Acceptance of Workman Oil Company Offer for the Purchase of Property.

The Clerk read aloud the following proposed resolution:

RESOLUTION

WHEREAS, Workman Oil Company has offered to sell to the City of Bedford a parcel of land which lies immediately to the north of the central library property on North Bridge Street for a price of \$30,000; and

WHEREAS, the City Council deems it to be in the best interests of the City to acquire the property so as to enlarge the library tract.

NOW, THEREFORE BE IT RESOLVED:

1. The City accepts the offer of Workman Oil Company to sell the land for a price of \$30,000

and appropriates that sum from the unappropriated contingency to the appropriate expenditure account.

2. The City Manager shall pay the sum of \$30,000 to Workman Oil Company, less adjustments for seller's tax and pro-rated taxes upon certification by the City Attorney that the title is free and clear of any liens and of any restrictions or easements that would prevent its intended use as part of the library properties and upon delivery of a deed conveying fee simple title to the land with customary warranties and in a form satisfactory to the City Attorney.

Councilman Rice moved that the resolution be adopted. The motion was seconded by Councilwoman Kochendarfer, voted upon and carried unanimously by the following roll call vote:

Councilman Rice aye

Councilman Tharp aye

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Grahame aye

Councilwoman Kochendarfer aye

Mayor Shelton aye

On motion by Vice Mayor Brookshier, seconded by Councilwoman Flood, voted upon and carried unanimously by a roll call vote, Council adjourned into executive session for the following:

Pursuant to the Code of Virginia of 1950, as amended, Section 2-1-344(a)7, for Consultation with Legal Counsel and Staff Members Concerning Legal Matters Involving the Wastewater Treatment Plant; and Section 2.1-344(a)1, Matters of Personnel, Regarding Performance Evaluations of the City Manager and the City Attorney.

Roll call vote follows:

Councilman Tharp aye

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Grahame aye

Councilwoman Kochendarfer aye

Councilman Rice aye

Mayor Shelton aye

Council adjourned into executive session at 8:48 p.m. Non-council members attending were: City Manager Gross, City Attorney Berry, Director of Public Works Gibson, Clerk of the Council Hatcher, Alex Monroe, and representatives of Olver, Inc.

Council reconvened into open session at 9:28 p.m.

The Clerk of Council read aloud the following proposed resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Council.

Vice Mayor Brookshier moved that the resolution be adopted. The motion was seconded by Councilwoman Flood, voted upon and carried unanimously by the following roll call vote:

Vice Mayor Brookshier aye

Councilwoman Flood aye

Councilwoman Grahame aye

Councilwoman Kochendarfer aye

Councilman Rice aye

Councilman Tharp aye

Mayor Shelton aye

On motion by Councilwoman Kochendarfer, seconded by Councilman Tharp, voted upon and carried unanimously the following item was added to the agenda: Consideration of Accepting a Consent Order from the Department of Environmental Quality.

Councilman Tharp made the following motion:

The City of Bedford will agree to the terms and conditions of the May 13, 1996, Special Order by Consent issued by the State Water Control Board to the City of Bedford. Prior to signing the Order, the City will request that the Consent Order be amended to replace the statement: "admits none of the allegations contained herein" (page 2, paragraph 3, lines 2 and 3) with "shall not be deemed to have admitted it has violated any legal requirement." In addition the City will request that the effluent ammonia limit be re-evaluated to reflect current procedures and site-specific data submitted by the City of Bedford.

The motion was seconded by Vice Mayor Brookshier, voted upon and carried unanimously.

The City Manager and Director of Public Works are to inform the newly elected members of Council (Ballard and Wandrei) as to what is involved with the action just taken.

On motion by Vice Mayor Brookshier, seconded by Councilwoman Grahame, voted upon and carried unanimously by a roll call vote, Council adjourned into executive session for the following:

Pursuant to the Code of Virginia of 1950, as amended, Section 2.1-344(a)1, Matters of Personnel, Regarding Performance Evaluations of the City Manager and the City Attorney.

Roll call vote follows:

Councilwoman Flood aye

Councilwoman Grahame aye

Councilwoman Kochendarfer aye

Councilman Rice aye

Councilman Tharp aye

Vice Mayor Brookshier aye

Mayor Shelton aye

Council adjourned into executive session at 9:31 p.m. Non-council members attending: City Manager Gross, City Attorney Berry, and Clerk of the Council Hatcher.

Council reconvened into open session at 11:44 p.m.

The Clerk of Council read aloud the following proposed resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Council.

Vice Mayor Brookshier moved that the resolution be adopted. The motion was seconded by Councilwoman Flood, voted upon and carried unanimously by the following roll call vote:

Councilwoman Grahame aye

Councilwoman Kochendarfer aye

Councilman Rice aye

Councilman Tharp aye

Vice Mayor Brookshier aye

Councilwoman Flood aye

Mayor Shelton aye

The City Manager reported the City has received two change order requests from the Bedford Historical Society for the Wharton Building, one regarding an "L" shaped porch, and the other one regarding a modification to the upper balcony, the bathroom structure. Mr. Gross stated that it was recommended that the "L" shaped porch remain as it is, and the Historical Society has withdrawn the change order dealing with the porch.

The other change order, which is retaining the enclosed balcony but replacing the metal siding with clapboard like the gable end and replacing the door of the enclosure with a window was recommended to be approved.

On motion by Councilman Tharp, seconded by Vice Mayor Brookshier, voted upon and carried unanimously, Council approved the change retaining the enclosed balcony but replacing the metal siding with clapboard like the gable end and replacing the door of the enclosure with a window.

Councilman Tharp asked the City Attorney for an update at the next meeting on council's adjustment of their salaries.

Mayor Shelton adjourned the meeting at 11:50 p.m.